



CITY OF MEMPHIS

COUNCIL AGENDA

May 3, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (April 19, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (none)

GENERAL ORDINANCE- SECOND READING

1. **ORDINANCE** to amend Chapter 33, Code of Ordinances, City of Memphis, so as to clarify permit requirements for the discharge of hauled waste and to regulate the discharge of wastewater by food establishments, up for S E C O N D reading
- Hooks Ordinance No. 5099

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCES - FIRST READING

2. **ORDINANCE** rezoning the north side of Washington Avenue; +/-141.5 feet west of Cleveland Street, containing 0.23 acre in the Parking (P) District, up for F I R S T reading.

Peete Ordinance No. 5102
Case No. Z 05-105

Applicant: ALDI, Inc. – TN.

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** rezoning the southeast corner of Thomas (U.S. Highway 51) and Carrollton Avenue, containing 0.81 acre in the Single Family Residential (R-S6) District, up for F I R S T reading.

Peete Ordinance No. 5103
Case No. Z 05-103

Applicant: Glen Ray Thomas

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES - SECOND READING

4. **ORDINANCE** rezoning the northwest corner of S. Fourth Street and Walker Avenue, containing 0.189 acre in the Multiple Family Residential (R-MM) District, up for S E C O N D reading.

Peete

Ordinance No. 5100
Case No. Z 04-136

Applicant: Mija Paik
Monice Tate – Representative

Request: Commercial Neighborhood (C-N) District

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Adopt the ordinance on Second reading

5. **ORDINANCE** approving a street name change, extending east/west line of N. Parkway; between N. Front Street and 3rd Street, up for S E C O N D reading.

Peete

Ordinance No. 5101
Case No. SNC 05-802

Applicant: St. Jude
David McKee – Representative

Request: Change Name to Shadyac Avenue

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

6. **RESOLUTION** accepting STANSELL CROSSING P.D., FOURTH AMENDMENT, PHASE 16 and authorizing release of bond.

Case No. PD 01-307cc
(Contract No. CR-4704)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of Hacks Cross Road, south of Nonconnah Parkway. The standard improvement contract was approved on February 9, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$237,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. **RESOLUTION** accepting OFFICES OF SOUTHWIND P.D. and authorizing release of bond.

Case No. PD 02-354cc
(Contract No. CR-4800)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Winchester Road, west of Forest Hill Irene Road. The standard improvement contract was approved on July 1, 2003. Resolution also authorizes the release of the letter of credit in the amount of \$94,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. **RESOLUTION** approving final plat of LEVI LANDING SUBDIVISION, PHASE 1.

Case No. S 03-040

Resolution approves the final plat located on the east side of Weaver Road, 331.50 feet south of Levi Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION approving final plat of LEVI LANDING SUBDIVISION, PHASE 2.
Case No. S 03-040

Resolution approves the final plat located on the east side of Weaver Road, 331.50 feet south of Levi Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

10. RESOLUTION approving final plat of SHADY HALL SUBDIVISION.
Case No. S 04-055

Resolution approves the final plat located on the west side of South Mendenhall Road, 211 feet south of Shady Grove Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

11. RESOLUTION approving final plat of TREZEVANT MANOR PD, PHASE 1, PARTS OF AREAS A, B & C.
Case No. PD 03-359

Resolution approves the final plat located on the south side of Waynoka Avenue, west of Highland Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving final plat of SUGGLANDS SUBDIVISION, RE-SUBDIVISION OF LOT 9.
Case No. S 04-050

Resolution approves the final plat located on the northwest corner of Alladin Avenue and Valleybrook Drive. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION rescinding the contract for HOLMES/MINERAL WELLS P.D., AMENDED, PHASE 14, PART OF PARCEL A AND PARTS OF PARCEL C and authorizing release of bond.
Case No. PD 98-351cc
(Contract No. CR-4654)

Resolution rescinds the standard improvement contract located south of Holmes Road, west of Crumpler Road. The standard improvement contract was approved on August 21, 2001. Resolution also authorizes the release of the performance bond in the amount of \$6,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION accepting THE GARDENS OF WALNUT GROVE P.D., and authorizing release of bond.

Case No. PD 00-379
(Contract No. CR-4718)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located southwest of Bendigo Drive and Walnut Creek Road. The standard improvement contract was approved on May 21, 2002. Resolution also authorizes the release of the letter of credit in the amount of \$40,000.00

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

15. RESOLUTION releasing pro-rata drainage bond held for future improvements within the right-of-way of CHAMPION HILLS DRIVE.

Case No. PD 94-300cc
(Contract No. CR-3905)

Resolution authorizes the release of the pro-rata drainage bond in the amount of \$69,011.60, held by Shelby County for future improvements located on the south side of Winchester Road, east of Tournament Drive. The public improvements required by the standard improvement contract were accepted by the City of Memphis on March 7, 1997. The action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

16. RESOLUTION accepting WINDYKE PARK PD, PHASE 4, AREA B & WINDYKE PARK SOUTH PD and authorizing release of bond.

Case No. PD 96-322cc
(Contract No. CR-4781)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the terminus of Champion Hills Drive. The standard improvement contract was approved on February 4, 2003. Resolution also authorizes the release of the performance bond in the amount of \$74,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

17. RESOLUTION accepting GEMSTONE PD, PHASE 2, AREA B & C and authorizing release of bond.

Case No. PD 99-380
(Contract No. CR-4856)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the west side of White Diamond Street, west of Weaver Road. The standard improvement contract was approved on March 2, 2004. Resolution also authorizes the release of the letter of credit in the amount of \$46,100.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

18. RESOLUTION approving final plat of TULIP CREEK SUBDIVISION, SECTION C.

Case No. S 99-012cc
Contract No. CR-4939

Resolution approves the final plat located south of Bolen Huse Road and East of Covington Pike. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

19. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 05-304 – South Perkins P.D., 3rd Amendment

Located on the east side of South Perkins Road; +/-440 feet south of Southern Avenue; containing 0.47 acre in the Single Family Residential (R-S10) District

Applicants: William & Linda Felts
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned development amendment to allow limited retail commercial uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 05-315 – English Town Offices P.D., 2nd Amendment

Located on the north and south side of English Towne Drive; +/-725 feet west of Covington Pike, containing 8.03 acres, currently governed by Hidden Woods and English Towne Planned Developments

Applicants: McCarthy & Wagner Properties, LLC
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned development amendment to add three (3) parcels to allow uses by right in accordance with the General Office (O-G) District, including service businesses and contractor's offices with indoor storage within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 17, 2005

GENERAL ITEM

20. RESOLUTION proclaiming Friday, January 28, 2005 as “Benjamin L. Hooks Day.”
Hooks (Held from 2/1;3/1;3/15;4/5;4/19)

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

21. RESOLUTION approving Change No. 10 to Contract No. 10784, Construction of Underground Distribution System, with A & L Underground, Inc. in an estimated funded amount of \$2,150,000.00. (This extends the contract beginning May 1, 2005 through June 30, 2005. The current contract expires April 30, 2005 for the second term). (Held from 4/19)
22. RESOLUTION awarding contract for radio-based supervisory control and data acquisition system (SCADA) to Bristol Babcock in the amount of \$113,374.99. (Held from 4/19)
23. RESOLUTION awarding Contract No. 11036, Drilling Operations for Temporary Substation 9, to McKinney Drilling Company, in the amount of \$30,966.00.
24. RESOLUTION approving Change No. 2 to Contract No. 10602, Automated Utility Bill Payment System, with Travelers Express Company, Inc. in the funded amount of \$200,000.00. (This change is to bridge the gap between the expiration of Contract No. 10602 on October 5, 2004 to approximately September 1, 2005 when American Payment System is expected to provide the service.)
25. RESOLUTION approving Change No. 12 to Contract No. 10780, Electric Construction and Maintenance, with Allied Electrical Contractors, Inc., in an estimated funded amount of \$600,000.00. (This extends the contract not to exceed 60 days beginning June 4, 2005 to allow MLGW time to finalize forecasted work so contractor can submit renewal proposal.)
26. RESOLUTION awarding contract for distribution transformers as follows:
- | | |
|------------------------------|------------------------|
| Howard Industries, Inc.----- | \$ 12,056,380.00 |
| Central Moloney, Inc.----- | \$ 3,158,713.00 |
| Pauwels Transformers----- | <u>\$ 2,244,924.00</u> |
| TOTAL----- | \$ 17,460,017.00 |
27. RESOLUTION awarding contract for EPA-Required Consumer Confidence Report (Water Quality) to DirectFX Solutions in the amount of \$39,385.00, approximately.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

28. RESOLUTION honoring the National Union of American Families.
Peete

ACTION REQUESTED: Adopt the resolution

29. APPOINTMENTS
Marshall

Solid Waste Planning Region Board

Roosevelt T. Allen - Reappointment

GENERAL ORDINANCE - THIRD AND FINAL READING (none)

EXECUTIVE DIVISION

30. RESOLUTION appropriating \$2,200,000.00 funded by Local Shared, which is a partial receipt of Shelby County commitment to CIP Project Number PD04011, Communications Upgrade.

Jones

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION appropriating \$954,000.00 in G.O. Bonds General in CIP Project Number IS01008, Desktop Standardization for the purpose of standardizing the City's operating systems and office suite on all of the City's desktops.

Jones

ACTION REQUESTED: Adopt the resolution

FINANCE & ADMINISTRATION (none)

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES

32. RESOLUTION appropriating funds, in the amount of \$242,650.00, for the purchase of four adjoining properties adjacent to Lewis Senior Center. The properties located in the 1200 block of Faxon Avenue are to be used with other properties to build a new facility adjacent to the existing Lewis Senior Center which is in disrepair and cannot be upgraded to meet current ADA requirements and construction codes.(Held from 4/19)

Brown

Resolution appropriates \$209,300.00 for the sales price, plus the estimated costs for closing and legal fees of \$6,650.00, survey and topographical work \$21,200.00 and Phase I Environmental studies of \$5,500.00 for a total of \$242,650.00, appropriated from G.O. Bonds General, in the FY 2005 Capital Improvement Budget and CIP Project Number PK 02003 Lewis Senior Center is to be credited for \$242,650.00.

Director of General Services, Director of Park Services, and City Engineer recommend approval.

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION approving purchase of easement rights from Margaret Goshorn Boyd-Woods, Laurie Goshorn Mitchell and Neumon Taylor Goshorn, 6.085 acres located on the southwest corner of Austin Peay Highway and Millington-Arlington Road, for the sum of \$73,020.00.

Brown

ACTION REQUESTED: Adopt the resolution

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

34. RESOLUTION adopting Fowler Homes redevelopment plan.

Holt

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

35. RESOLUTION appropriating \$29,403.00 in Construction for CIP Project Number PK12005, Paving Improvements – Major Maintenance funded by G.O. Bonds General chargeable to the Fiscal Year 2005 Capital Improvement Budget to patch, overlay and stripe the existing parking lot and install signs and wheel stops in handicap spaces at the Lewis Senior Center.

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES (none)

DIVISION OF PUBLIC SERVICES

36. RESOLUTION accepting grant funds in the amount of \$27,100.00 from the Shelby County Government for Citizen Corp. Grant. Resolution also amends the FY 2005 Operating Budget to appropriate grant funds.

Chumney

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION amending the FY 2005 Capital Improvement Program by transferring an allocation of \$140,000.00, funded by a combination of State Grants in the amount of \$112,000.00 and G.O. Bonds in the amount of \$28,000.00, from Land Acquisition to Architecture and Engineering and to appropriate the \$140,000.00 in order to fund the design services of a Vehicle Testing Equipment Consultant.

Chumney

Council did include Motor Vehicle Inspection, CIP Number PS01009 as part of the FY 2005 Capital Improvement Program

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

38. RESOLUTION appropriating \$42,200.00 in G.O. Bonds for the City's share to complete Jackson Pit Dump, Project Number PW 04006.

Holt

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

39. RESOLUTION appropriating \$1,678,278.00 in G.O. Bonds for Timber Creek Drainage, Project Number PW03020 for a construction contract with Encor, LLC.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$417,420.00 in G.O. Bond Funds from School Safety Improvements, Project Number PW04043 to School Safety Improvements Phase 2, Project Number PW04049 for a construction contract with Ferrell Paving.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$267,650.00 in G.O. Bonds from Drainage, Project Number PW03006 to Black Bayou Detention Basin, Project Number PW03070 for a construction contract with White Contracting, Inc.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION transferring allocations of \$3,210,218.00 in G.O. Bonds from Asphalt Paving, Project Number PW01040 and \$271,250.00 in G.O. Bonds from ADA Wheelchair Ramp Program, Project Number PW04007 and \$155,873.00 in G.O. Bonds from Prevailing Wage Adjustment, Project Number PW04044 to Resurfacing Various Streets FY 05-Group2, Project Number PW01162.

Resolution appropriating \$3,637,341.00 in G.O. Bonds for Resurfacing Various Streets FY05-Group 2, Project Number PW01162 for a construction contract with APAC-Tennessee, Inc.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION transferring an allocation of \$1,128,991.00 in G.O. Bonds from Winchester/Perkins Interchange, Project Number PW01025 to Walnut Grove/I-240 to Wolf River, Project Number PW01069.

Resolution appropriating \$7,028,943.00 in G.O. Bonds to be deposited in the Local Government Investment Pool Account for Walnut Grove/I-240 to Wolf River, Project Number PW01069, State Project STP-M-2818 (6).

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCES - THIRD AND FINAL READING

44. **JOINT ORDINANCE** readopting #5028AM, adopted by the Shelby County Board of Commissioners on May 28, 2004 and the Council of the City of Memphis on July 6, 2004; so as to make certain technical and formatting corrections therein, up for T H I R D and F I N A L reading. (Held from 1/4; 4/19)

Peete

Ordinance No. 5087
Case No. ZTA 03-002cc

Applicant: Memphis & Shelby County Office of Planning & Development
Mary Baker – Representative

Request: To readopt Ordinance #5028AM, to make technical and formatting corrections by deleting text and providing for modifications on the following pages: 6, 13, 17, 20, 22, 24, 26, 27 and 28

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

45. **ORDINANCE** rezoning the west side of U.S. Highway 61; +126 feet south of Fairway Avenue, containing 0.376 acre in the Single Family Residential (R-S6) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5096
Case No. Z 04-137

Applicant: Diane Boyd

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL of Rezoning to General Office (O-G) District

ACTION REQUESTED: Take whatever action Council deems advisable

41 NOTICES MAILED ON APRIL 22, 2005

46. **ORDINANCE** rezoning 500-1200 feet northeast of the eastern terminus of Huntington Oaks Drive, containing 6.96 acres in the Agricultural (AG) District (Parcel 1) and 0.19 acre in the Agricultural Floodplain (AG{FP}) District (Parcel 2), up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5097
Case No. Z 04-138cc

Owner of Record: Mike B. & Terri L. Allison

Equitable Owner/Applicant: David Miller
Davis Engineering Company, Inc.
Dan Frasier - Representative

Request: Parcel 1 – Single Family Residential (R-S10) District
Parcel 2 – Single Family Residential Floodplain
(R-S10 [FP]) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

93 NOTICES MAILED ON APRIL 22, 2005

47. **ORDINANCE** rezoning the northeast corner of Watkins Street and Monroe Avenue, containing 1.038 acres in the Multiple-Family Residential (R-MH) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5098
Case No. Z 05-101

Applicant: Pete Shoptaw, E. Webster Haining Co.

Request: General Office (O-G) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

68 NOTICES MAILED ON APRIL 22, 2005

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

48. RESOLUTION approving an appeal located on the north side of Winchester Road, 510 feet west of Hacks Cross Road. (Held from 3/15; 4/5)

Peete

Case No. PD 01-306

Appellant: Kroger Limited Partnership I

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 1/13/05 in which the Board rejected a proposed site plan for Kroger Fuel Center to be located in front of an existing Kroger Grocery Store

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

23 NOTICES MAILED ON MARCH 4, 2005

49. RESOLUTION approving a planned development located on the west side of Houston Levee Road; +/-863 feet south of U. S. Highway 64 and is currently governed by Houston Levee Trails Planned Development, 3rd Amendment (P.D. 99-376). (Held from 4/19)

Peete

Case No. PD 04-383

Applicant: Ketron Inc.
Armstrong-Allen, PLLC(Ronald Harkavy) – Representative

Request: Planned development amendment to allow motor vehicle(automobile) service and self-storage mini warehouses within Area 'A' of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

34 NOTICES MAILED ON APRIL 8, 2005

50. RESOLUTION approving a planned development located on the western terminus of Tournament Drive; +1874.81 feet north of Callis Cutoff Road, containing 22.878 acres and is currently governed by P.D. 95-365.

Peete

Case No. PD 04-384

Applicant: Ferrell Properties Incorporated
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Amend Area A to delete 4.688 acres and add it to Area C of the Callis Cutoff Planned Development to create 66 single family detached homes with minimum lot size of 5,548 square feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

35 NOTICES MAILED ON APRIL 22, 2005

51. RESOLUTION approving a planned development located on the west side of College Street; +/-165 feet north of Stafford Avenue, containing 3.74 acres in the Multiple Dwelling Residential(R-MM) and College and University (CU) Districts.

Peete

Case No. PD 05-301

Applicant: LeMoyne-Owen College CDC
Barge, Waggoner, Inc. (Charlie Goforth) – Representative

Request: Planned development to allow fifteen (15) single family homes and retail commercial uses in accordance with the College and University (CU) Districts

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

85 NOTICES MAILED ON APRIL 22, 2005

52. RESOLUTION approving a planned development located on the northwest corner of Ford Road and McFarland Road, containing 15.057 acres in the Single Family Residential (R-S8 & R-S6) District.

Peete

Case No. PD 05-302

Applicant: Carlton W. Orange
Pickering Firm, Inc. (Steve Canizarp) – Representative

Request: A planned development to create 73 single family residential lots with a minimum lot size of 6,600 square feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

89 NOTICES MAILED ON APRIL 22, 2005

53. RESOLUTION approving a planned development located on the south side of Helene Road; +217 feet east of Verz Cruz Street, containing 14.18 acres in the Single Family Residential (R-S8) and Single Family Residential Flood Plain (R-S8[FP]) Districts.

Peete

Case No. PD 05-310

Applicant: Newton Court, LLC
E.D.S. Inc. – Representative

Request: A planned development to create 58 single family lots with a minimum lot size of 5,500 square feet

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

149 NOTICES MAILED ON APRIL 22, 2005

54. RESOLUTION approving an appeal located on the west side of Lamar Avenue (U.S. Highway 78); ±1,100 feet north of Holmes Road, containing 5.253 acres in the Vacant, Light Industrial (I-L) District.(Held from 1/18; 2/1;3/15; 4/19)

Peete

Case No. S 04-054

Appellant: Summit Distribution Center, LLC
Reaves Firm, Inc. – Harvey Marcom – Representative

Request: Appeal to overturn action of the Land Use Control Board, which requires the dedication and improvement of necessary right-of-way to accomplish the proposed improvements to U.S. Highway 78 (Lamar Avenue) in accordance with Subdivision Regulations as illustrated on the attached "Property Map" from the State of Tennessee Department of Transportation (TDOT) dated 6/27/03

LUCB and OPD recommendation: APPROVAL, with eight (8) conditions

ACTION REQUESTED: Take whatever action Council deems advisable

4 NOTICES MAILED ON JANUARY 7, 2005

55. RESOLUTION approving an appeal located on the west side of Waring Road; +750 feet south of Chickasaw Road, containing 1.95 acres in the Single Family Residential (R-S10) District.

Peete

Case No. S 04-076

Owner of Record/Applicant: Brad Rainey Homes
ETI Corporation – Representative

Request: 4 Lot Preliminary Plat- 2 Buildable, 2 Non-Buildable

LUCB and OPD recommendation: APPROVAL, with fourteen (14) conditions & two design changes

ACTION REQUESTED: Take whatever action Council deems advisable

57 NOTICES MAILED ON APRIL 22, 2005

56. RESOLUTION approving an appeal located on the northwest corner of Perkins Road and Greenbrier Road, containing 2.0 acres in the Single family dwelling – Single Family Residential (R-S10) District.

Peete

Case No. S 04-078

Appellant: The Perkins-Shady Grove Neighborhood

Request: 6 Lot Preliminary Plat Preliminary Plat. The Perkins-Shady Grove Neighborhood Association is making this appeal due to their concerns that the approved subdivision will contribute to the existing drainage problems in the area

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

12 NOTICES MAILED ON APRIL 22, 2005

57. RESOLUTION approving a street/alley closure located between the west line of Manassas and the east line of Tully Street, containing 1.459 acres in the Multiple Dwelling Residential (R-MM) District. (Held from 4/5)

Peete

Case No. SAC 04-612

Applicant: Memphis Board of Education
Homer Branan, III & Dedrick Brittenum, Jr. – Representatives

Request: Close and Vacate Street Right-of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON MARCH 18, 2005

58. RESOLUTION approving street/alley closure located \pm 153 feet west of Mississippi Boulevard; between Jennette Street and Saxon Avenue, containing \pm 5,422 Square Feet in Single Family Residential (R-S6) and College-University (C-U) Districts.

Peete

Case No. SAC 04-613

Applicant: Evening Star Missionary Baptist Church
Monice Hagler Tate – Representative

Request: Close & Vacate Alley Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

61 NOTICES MAILED ON APRIL 22, 2005

59. RESOLUTION approving a special use permit located located on the south side of Lucy Road; ±61 feet west of a southwardly projection of Chase Road, containing 11.48 acres in the Agricultural (AG) District.

Peete

Case No. SUP 04-225cc

Applicants: Richard and Tonya Pike

Request: Cemetery

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES REQUIRED; CASE IS BEING DROPPED

60. RESOLUTION approving a use variance located on the south side of Alabama Avenue ±266 feet west of High Street, extending southward to Exchange Avenue, containing .28 acre in the Uptown- Mixed Use (MU) District.

Peete

Case No. UV 04-09

Applicant: David L. Galloway
Juan Self, Self Tucker Architects – Representative

Request: Day Care Center

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

48 NOTICES MAILED ON APRIL 22, 2005

ADJOURNMENT

ADD-ONS

May 3, 2005

Page 15

19. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

Consent

- C. Case No. PD 05-312 – Ann Guthrie P.D., (Amended)

Located on the north side of Park Avenue; +383.69 feet west of Mt. Moriah, containing 1.16 acres currently governed by P.D. 94-314

Applicant: John & Glenda Roebuck
David Leake – Representative

Request: Amend the P.D. to permit a real estate office with auction as a permitted use

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 17, 2005

61. RESOLUTION approving final plat of KATE BOND PLANNED DEVELOPMENT, PHASE 1, AREA B.

Consent

Case No. PD 04-380

Resolution approves the final plat located on the northeast corner of Kate Bond Road and Interstate 40. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

62. RESOLUTION approving final plat of SHADY GOVE and MENDENHALL SUBDIVISION.

Consent

Case No. S 04-070

Resolution approves the final plat located at the southeast corner of Shady Grove Road and South Mendenhall Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

63. RESOLUTION approving final plat of HACKS CROSSING P.D., 2NDAMENDMENT, PHASE 7.

Consent

Case No. PD 04-340cc
Contract No. CR-4940

Resolution approves the final plat located on the southwest corner of Shelby Drive and Hacks Cross Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

64. RESOLUTION accepting ROMAN CATHOLIC DIOCESE P.D. and authorizing release of bond.

Consent

Case No. PD 02-329
(Contract No. CR-4837)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat of Roman Catholic Diocese located east of Germantown Parkway at Bellevue Parkway. The standard improvement contract was approved on November 18, 2003. Resolution order the retention of a \$10,000.00 bond as a guarantee of non-standard pipe installed prior to the execution of the contract. Resolution also authorizes the release of the certificate of deposit in the amount of \$379,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

65. **ORDINANCE** appropriating the proceeds of the tax levy on the assessed values on all properties of every species within the City limits for general purposes for the Fiscal Year July 1, 2005 through June 30, 2006, inclusive, together with all collections from privileges, licenses, fees, fines, permits, charges, requests, transfers from non-budget accounts, earnings, refunds, and all other items constituting the revenue receipts of the City of Memphis for the Fiscal Year July 1, 2005 through June 30, 2006, inclusive, to provide the manner in which monies may be transferred from one fund to another and to provide the standard code or designations under which the appropriations are to be administered and accounting control maintained, up for F I R S T reading.

Consent

Ordinance No. 5104

ACTION REQUESTED: Adopt the ordinance on First reading

66. **ORDINANCE** to fix the Tax Rate of the City of Memphis for Fiscal Year 2006, up for F I R S T reading.

Consent

Ordinance No. 5105

ACTION REQUESTED: Adopt the ordinance on First reading

67. RESOLUTION adopting a moratorium on all billboard permits for a six month period.
Marshall

ACTION REQUESTED: Adopt the resolution

68. RESOLUTION adopting the Consolidated Plan/FY2006 Annual Action Plan. Resolution also appropriates FY 2006 CDBG, HOME, ESG and HOPWA Program Funds from the U.S. Department of Housing and Urban Development to the FY 2006 Budget for the Division of Housing and Community Development.

Holt

ACTION REQUESTED: Adopt the resolution

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 18 – Approved
19. Public Hearing Set for May 17, 2005
20. Approved
21. Held until May 17, 2005
22. Through 31 – Approved
32. Dropped
33. Through 43 – Approved
44. Held until November 1, 2005
45. Held until May 17, 2005

46. Approved
47. Held until May 17, 2005
48. Held until June 7, 2005
49. Approved, as amended
50. Failed
51. Approved
52. Held until May 17, 2005
53. Approved
54. Approved, as amended
55. Failed
56. Held until May 17, 2005
57. Held until June 21, 2005
58. Held until May 17, 2005
59. Dropped
60. Approved, as amended
61. Through 66 – Approved
67. Approved, as amended
68. Approved

ACTION TAKEN ON THE MINUTES OF APRIL 17, 2005

Approved